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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,316	04/20/2000	Jyunichi Kamakura	21.1977	4585

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EXAMINER

GUBIOTTI, MATTHEW P

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/553,316

Applicant(s)

KAMAKURA ET AL. 

Examiner

Matthew Gubiotti

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2124

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/553316, filed on April 20, 2000.
2. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Specification

3. The current specification contains minor grammatical and spelling errors (See e.g. p.5, li.9) that require correction prior to allowance. Please review the grammar and spelling of the entire specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 recites the limitation "collected process information" in lines 18-19. There is insufficient antecedent basis for this limitation in the claim. The examiner infers that

Art Unit: 2124

this limitation is in reference to the ``collecting processes'' described in Claim 4. The term in Claim 5 has been further treated below as reading ``collected processes''.

6. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term ``process interface'' in Line 21 is described within the specification in a general manner that renders the term indefinite.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this

Art Unit: 2124

application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Mattson, Jr. (U.S. Pat. No. 6,430,741).

Claim 1

Mattson, Jr. teaches a system analysis apparatus comprising means for examining a data item access state in a program (col.5, li.9-25) and an analyzer for analyzing relationships between processes and data based on state data item access state, each said process being at least one of a program, a set of programs and a program section. (col.1, li.66 to col.2, li.15; col.2, li.25-28).

Claim 2

Mattson, Jr. further teaches wherein said analyzer comprises means for quantifying the types and number of accesses, which are included in the data item access state, and generating quantified data item access state data (col.3, li.14-24).

Claim 3

Mattson, Jr. further teaches wherein said analyzer comprises means for correcting said quantified data item access state data according to an external requirement including a system design requirement (col.1, li.66 to col.2, li.15; col.4, li.44-56; fig.1A, ref.102)

Art Unit: 2124

Claim 4

Mattson, Jr. further teaches wherein said analyzer comprises means for collecting processes that access to a data item satisfying a predetermined condition in said quantified data item access state data (col.5, li.9-13; col.6, li.35-48).

Claim 5

Mattson, Jr. further teaches wherein said analyzer comprises Means for presenting at least one of a partitioning pattern of the data items ("visualization tool") and a division pattern of the processes, using the quantified data item access state data and the collected process information (col.10, li.25-41).

Claim 6

Mattson, Jr. further teaches wherein said division pattern of the processes comprises a presentation of process interfaces ("[for functions in the source code] maintain track of access to data elements" col.5, li.5-13; fig.1A, ref.105). The term "process interface" has been treated by the examiner to include the tracking of relationships between functions and data in compiling source code.

Claims 7-12

These claims represent the method associated with the apparatus of claims 1-6, respectively. They are rejected for the same reasons as cited above, with the method referenced at the following location (col.1, li.66 to col.2, li.4).

Art Unit: 2124

Claims 13-18

These claims represent the medium associated with the apparatus of claims 1-6, respectively. They are rejected for the same reasons as cited above, with the medium referenced at the following location (col.11, li.41-62; fig.7).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Gubiotti whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F, 8-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Art Unit: 2124

MPG

February 6, 2003

A handwritten signature in cursive script, appearing to read "John Chavis".

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124